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SIPDIS

SENSITIVE

DOE FOR PLONGSWORTH  
DOE/NNSA FOR TRACY MUSTIN AND WILLIAM KILMARTIN  
PARIS FOR LETTICIA SERRANO AND DEIDRA MAHON  
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E.O. 12958: N/A

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SUBJECT: SPAIN MEGAPORTS MOA SIGNING AWAITING LEGAL COUNSEL  
REVIEW; CONFUSION BETWEEN CSI AND MEGAPORTS

REF: 03 MADRID 3416

1. (SBU) Summary: We accompanied Department of Energy (DOE) Deputy Administrator Paul Longworth and William Kilmartin of the National Nuclear Security Administration's (NNSA) Office of Defense Nuclear Nonproliferation to meetings with the director of Spanish Customs and the president of the Ports of State regarding the Megaports Initiative (Megaports). At Spanish Customs, the proposed Spanish translation of the Memorandum of Agreement (MOA) was discussed and appears to be satisfactory, although GOS lawyers need to review the language upon their return from August vacations. The new president of the Ports of State was briefed on Megaports with its role in combating terrorism and understood a little better how Megaports is different from the Container Security Initiative (CSI). End Summary.

GOS MAY BE PREPARED BY LATE SEPTEMBER FOR MOA SIGNING IN THE U.S.

2. (SBU) After some discussion of the proposed changes to the Spanish translation of the MOA, Customs Director Nicolas Bonilla opined that the modifications were not substantial, and anticipated that following a review by legal counsel in September, the MOA could be ready for signature. Bonilla noted that the signing should take place no earlier than 15 days after both parties agree on the final English and Spanish versions. Longworth responded that the submitted English and Spanish drafts are the USG's proposed final versions, and that the USG hopes for a response from the GOS regarding the versions as soon as possible. Based upon Spain's August vacation schedule and subsequent legal review, Spanish officials were hesitant to consider a signing date any earlier than the final week of September, but also did not want to speak about specific dates until legal review had taken place. Further, Bonilla suggested several times during the discussion that a GOS official could travel to the US to sign the MOA.

BRIEFING FOR NEW PRESIDENT OF PORTS OF STATE: MEGAPORTS AND CSI NOT THE SAME

3. (SBU) Mariano Navas Gutierrez, the newly-appointed president of the Ports of State, received an introductory briefing on Megaports. He asked numerous questions about Megaports and how it differed from CSI, a Department of Homeland Security initiative now underway in Algeciras. Although we had briefed him on these two initiatives in June, he demonstrated some confusion about the differences and similarities of these two initiatives. He expressed pleasure on learning that Megaports should not hinder the flow of containers within the ports, and requested that the DOE send additional information to him.

4. (SBU) Comment: Welcoming a Spanish official to the US for the MOA signing could provide an opportunity for further briefings on transportation security projects of mutual concern. A visit to a US port where Megaports equipment is already installed could also be productive. While the GOS has consistently supported Megaports, some confusion remains in distinguishing it from CSI. It is understood that both CSI and Megaports involve many of the same Spanish officials and will potentially target the same three ports over the next several years: Algeciras, Barcelona and Valencia. Spanish officials realize that both Megaports and CSI combat terrorism and involve containers. Yet these similarities probably contribute to the confusion. From an embassy perspective, it seems that CSI and Megaports may be distinguished in the following ways, respectively: document inspection followed by scanning of selected containers vs. goal of examining all containers; host country paying for scanning equipment vs. DOE generally providing the equipment; greater DHS personnel involvement in medium-term vs. minimal DOE personnel commitment (primarily for set-up and training); and sequential anticipated implementation at ports (Algeciras implemented before detailed assessment of Barcelona and/or Valencia) vs. potential for almost simultaneous activation of Megaports in at least two of the three ports. The Embassy

continues ready to assist in furthering the implementation of both CSI and Megaports.  
MANZANARES